

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MATTHEW ADKISSON, an individual,

Plaintiff,

v.

EPIK HOLDINGS, INC., a Washington
Corporation; EPIK INC., a Washington
Corporation; MASTERBUCKS LLC, a
Wyoming company; ROBERT W.
MONSTER, an individual; and BRIAN
ROYCE, an individual,

Defendant.

No. 2:23-cv-495 MJP

DECLARATION OF DAVID PEREZ IN
SUPPORT OF MOTION FOR
TEMPORARY RESTRAINING ORDER

I, David A. Perez, declare as follows:

1. I am an attorney licensed to practice law before the courts of the State of Washington. I am an attorney at Perkins Coie LLP, and counsel in this action for Plaintiff Matthew Adkisson (“Adkisson” or “Plaintiff”). I submit this declaration in support of Plaintiff Matthew Adkisson’s Motion for Temporary Restraining Order. I have personal knowledge of the facts stated herein and, if called upon, could and would testify competently thereto under oath.

2. Attached as **Exhibit A** is a true and correct copy of a screenshot taken on March 13, 2023 from the Wayback Machine, an online library of archived websites, of the webpage located at www.epik.com/services/escrow from May 22, 2022.

PEREZ DECLARATION ISO MOTION FOR
TEMPORARY RESTRAINING ORDER
(NO. 23-CV-495 MJP) – 1

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 3. On May 1, 2023, myself and my colleague Christian Marcelo had a phone call with
2 defendant Robert Monster. During that call Mr. Monster stated that upon becoming CEO in
3 September 2022, Royce took full control of Epik's finances, including full control of consumer
4 funds. Mr. Monster also disclosed that neither he nor the Epik-entities we owned were licensed to
5 provide escrow services. Relatedly, Mr. Monster revealed that the funds Mr. Adkisson wired to
6 Epik to be held in escrow by Epik were never sequestered.
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12 4. In early 2023, I had a phone call with Epik's legal counsel. Epik's counsel admitted
13 that Epik owed Adkisson the \$327,000 it had promised to hold in escrow, and that sometime after
14 Adkisson wired the funds to Epik, it was misappropriated, embezzled or both. Epik's counsel
15 further claimed that the company was "cash strapped" and that Mr. Adkisson's escrow funds were
16 misappropriated and used to pay other debts without his authorization.
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23 5. On January 11, 2023, Epik, through counsel, sent a letter stating "On behalf of Epik
24 Holdings, Inc., Epik shall pay the debt owed to Mr. Adkisson in two installments, one on January
25 12, 2023, in the amount of \$20,000, and the other no later than January 31, 2023, in the amount of
26 \$307,000." A true and correct copy of that letter is attached as **Exhibit B**.
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31 6. Attached as **Exhibit C** is a true and correct copy of my email response to Epik's
32 counsel regarding its promise to repay Mr. Adkisson his escrow funds.
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35 7. Attached as **Exhibit D** is a true and correct copy of a January 31, 2023 e-mail sent
36 to me from Mr. Monster.
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39 8. After Mr. Adkisson's complaint was filed, numerous consumers contacted
40 Mr. Adkisson or Perkins Coie complaining of similar stories to what Mr. Adkisson experienced in
41 connection with Epik, including Manuel Casals, Neil Bostick, Kathy Kalaf, and many others.
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45 9. Attached as **Exhibit E** is a true and correct copy of a May 5, 2023 e-mail sent by
46 Francisco Pretus, counsel to Manuel Casals, regarding Mr. Casals' experience with Epik.
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49 10. Attached as **Exhibit F** is a true and correct copy of an April 5, 2023 e-mail sent by
50 Neil Bostick regarding Mr. Bostick's experience with using Epik's services.
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11. Attached as **Exhibit G** is a true and correct copy of a printout from <https://www.criticalhit.net/technology/epik-exploitation-brian-royce-makes-offer-to-steal-50000-of-kathleen-kalafs-100000/>, printed on May 31, 2023, which provides details regarding Kathy Kalaf's experience with using Epik's services.

12. Attached as **Exhibit H** and **Exhibit I** are true correct copies of printouts from <https://www.trustpilot.com/review/epik.com?sort=recency>, printed May 31, 2023, detailing various consumer's recent complaints and reviews regarding Epik.

13. Attached as **Exhibit J** is a true and correct copy of an April 11, 2023 e-mail string with defendant Brian Royce.

14. Attached as **Exhibit K** is a true and correct copy of an e-mail exchange with Epik and Royce's counsel regarding Mr. Adkisson's intent to seek a temporary restraining order.

15. Attached as **Exhibit L** is a true and correct copy of a May 30, 2023 e-mail exchange with Mr. Monster.

16. Attached as **Exhibit M** is a true and correct copy of a May 30, 2023 e-mail from Mr. Monster regarding the proposed sale of Epik's assets.

17. Attached as **Exhibit N** is a true and correct copy of an e-mail exchange with Defendants Epik and Royce's counsel regarding Mr. Adkisson intent to seek a temporary restraining order and Epik's Asset Purchase Agreement.

18. Attached as **Exhibit O** is a true and correct copy of the executed Asset Purchase Agreement sent by Defendants Epik and Royce's counsel on May 31, 2023.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 31st day of May, 2023.

/s/ David A. Perez
David A. Perez

CERTIFICATE OF SERVICE

I certify under penalty of perjury that on May 31, 2023, I electronically filed the foregoing DECLARATION OF DAVID PEREZ with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorney(s) of record:

Andrew Ramiro Escobar
SEYFARTH SHAW LLP (SEA)
999 THIRD AVE STE 4700
SEATTLE, WA 98104
206-946-4910
aescobar@seyfarth.com

Meryl Hulteng
SEYFARTH SHAW LLP (SEA)
999 THIRD AVE STE 4700
SEATTLE, WA 98104
206-946-4910
mhulteng@seyfarth.com

I further certify that I caused service to be made on the following non-CM/ECF participants by the method(s) indicated:

Robert Monster
Pro Se
<rob@monsterventurepartners.com>

☐ Via hand delivery
☐ Via U.S. Mail, 1st Class, Postage Prepaid
☐ Via Overnight Delivery
☐ Via Facsimile
☒ Via Email
☐ Other: _____

DATED this 31st day of May, 2023.

/s/ David A. Perez

David A. Perez